

**THIERMAN BUCK LLP**  
7287 Lakeside Drive  
Reno, NV 89511  
(775) 284-1500 Fax (775) 703-5027  
Email info@thiermanbuck.com www.thiermanbuck.com

1 Mark R. Thierman, Nev. Bar No. 8285  
mark@thiermanbuck.com  
2 Joshua D. Buck, Nev. Bar No. 12187  
josh@thiermanbuck.com  
3 Leah L. Jones, Nev. Bar No. 13161  
leah@thiermanbuck.com  
4 Joshua R. Hendrickson, Nev. Bar No. 12225  
joshh@thiermanbuck.com  
5 **THIERMAN BUCK LLP**  
6 7287 Lakeside Drive  
7 Reno, Nevada 89511  
Tel. (775) 284-1500  
8 Fax. (775) 703-5027

9 Christian Gabroy, Nev. Bar No. 8805  
christian@gabroy.com  
10 Kaine Messer, Nev. Bar No. 14240  
kmesser@gabroy.com  
11 **GABROY LAW OFFICES**  
12 170 S. Green Valley Pkwy., Suite 280  
13 Henderson, Nevada 89012  
Tel. (702) 259-7777  
14 Fax. (702) 259-7704

15 *Attorneys for Plaintiffs*

16  
17 **UNITED STATES DISTRICT COURT**

18 **DISTRICT OF NEVADA**

19 ROBERT GARIBAY, on behalf of himself  
20 and all others similarly situated,

21 Plaintiff,

22 vs.

23  
24 WYNDHAM VACATION OWNERSHIP  
INC.; and DOES 1 through 50, inclusive,

25 Defendant(s).  
26  
27  
28

Kirsten A. Milton, Nev. Bar No. 14401  
kirsten.milton@jacksonlewis.com  
Joshua A. Sliker, Nev. Bar No. 12493  
joshua.sliker@jacksonlewis.com  
**JACKSON LEWIS P.C.**  
300 S. Fourth Street, Suite 900  
Las Vegas, Nevada 89101  
Tel. (702) 921-2460  
Fax. (702) 921-2461

*Attorneys for Defendant*

Case No.: 2:21-cv-00439-JAD-NJK

**ORDER GRANTING  
PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT**

1 TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

2 The Application for Preliminary Approval of a Class Action Settlement came before this  
3 Court, the Honorable Jennifer A. Dorsey presiding, on December 14, 2021. This Court, having  
4 considered the papers submitted in support of the application of the parties, HEREBY ORDERS  
5 THE FOLLOWING:

6 1. This Court grants preliminary approval of the Settlement and the Settlement  
7 Classes based upon the terms set forth in the Joint Stipulation of Settlement and Release between  
8 Plaintiff and Defendant ("Stipulation of Settlement") filed herewith. The Settlement appears to  
9 be fair, adequate, and reasonable to the Class. The Joint Motion for Preliminary Approval (ECF  
10 No. 16) is GRANTED.

11 2. The Settlement falls within the range of reasonableness and appears to be  
12 presumptively valid, subject only to any objections that may be raised at the final fairness hearing  
13 and final approval by this Court.

14 3. A final fairness hearing on the question of whether the proposed Settlement,  
15 attorneys' fees to Class Counsel, and the Class Representative Enhancement Award should be  
16 finally approved as fair, reasonable, and adequate as to the members of the Class is scheduled in  
17 accordance with the Implementation Schedule set forth below.

18 4. This Court approves, as to form and content, the Notice of Pendency of Class  
19 Action, Proposed Class Action Settlement, and Hearing Date for Court Approval ("Notice of  
20 Pendency of Class Action"), in substantially the form attached to the Stipulation of Settlement as  
21 Exhibit D, and the Claim Form in substantially the form attached thereto as Exhibit A. This Court  
22 approves the procedure for Class Members to participate in, to opt out of, and to object to the  
23 Settlement as set forth in the Notice of Pendency of Class Action.

24 5. The Court directs the mailing of the Notice of Pendency of Class Action and  
25 Proposed Settlement, and the Claim Forms by first class mail to the Class Members in accordance  
26 with the Implementation Schedule set forth below. *and with the Court's requested edits.*  
27 This Court finds the dates selected for the  
28 mailing and distribution of the Notice and the Claim Form, as set forth in the Implementation

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Schedule, meet the requirements of due process and provide the best notice practicable under the circumstances and shall constitute due and sufficient notice to all persons entitled thereto.

6. It is ordered that the Settlement Class is preliminarily certified for settlement purposes only.

7. This Court confirms Plaintiff Robert Garibay as Class Representative, and Mark Thierman, Esq., Joshua Buck, Esq., Leah Jones, Esq., and Joshua R. Hendrickson, Esq. of Thierman Buck, LLP of Reno, Nevada and Christian Gabroy, Esq. and Kaine Messer, Esq. of Gabroy Law Offices of Henderson, Nevada as Class Counsel.

8. This Court confirms Simpluris as the Claims Administrator.

9. To facilitate administration of the Settlement pending final approval, this Court hereby enjoins Plaintiff and all Class Members from filing or prosecuting any claims, suits or administrative proceedings (including filing claims with the Nevada Office of the Labor Commissioner) regarding claims released by the Settlement unless and until such Class Members have filed valid Requests for Exclusion with the Claims Administrator and the time for filing claims with the Claims Administrator has elapsed.

10. This Court orders the following Implementation Schedule for further proceedings:

a.	Deadline for Defendant to Submit Class Member Information to Claims Administrator	12/24/2021
b.	Deadline for Claims Administrator to Mail the Notice and the Claim Form to Class Members	12/28/2021
c.	Deadline for Class Members to Postmark Claim Forms	1/28/2022
d.	Deadline for Class Members to Postmark Requests for Exclusions	1/28/2022
e.	Deadline for Receipt by Court and Counsel of any Objections to Settlement	1/28/2022
f.	Deadline for Class Counsel to file Motion for Final Approval of Settlement, Attorneys' Fees, Costs, and Enhancement Award	2/16/2022

g.	Deadline for Class Counsel to File Declaration from Claims Administrator of Due Diligence and Proof of Mailing	Feb 16, 2022
h.	Final Fairness Hearing and Final Approval	Mar. 18, 10 a.m. 2022
i.	Deadline for Defendant to Fund Settlement Account maintained by Claims Administrator	Feb. 28, 2022
j.	Deadline for Claims Administrator to wire transfer the Attorneys' Fees and Costs to Class Counsel (if Settlement is Effective)	TBA
k.	Deadline for Claims Administrator to mail the Settlement Awards to Class Members and the Enhancement Awards to Class Representatives (if Settlement is Effective)	TBA
l.	Claims Administrator to File Proof of Payment of Settlement Awards, Enhancement Award, Attorneys' Fees and Costs (if Settlement is Effective)	TBA.

IT IS SO ORDERED.

Dated: 12/14/2021

  
HONORABLE JENNIFER A. DORSEY  
UNITED STATES DISTRICT JUDGE

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